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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,515	08/28/2001	Eliyahu Marmor	018/02357	7272

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,515

Applicant(s)

MARMOR, ELIYAHU

Examiner

Saleh Najjar

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/284,272.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

1. This action is responsive to the application filed on August 28, 2001. Claims 1-11 are pending. Claims 1-11 represent a method directed toward providing copyright information across a network.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsummura, U.S. Patent No. 5,842,023 (referred to hereafter as Tsu).

Tsu teaches the invention as claimed including a method and system for broadcasting copyright material on the Internet (see abstract).

As to claim 1, Tsu teaches a method for controlling the viewing of copyrighted information, transmitted from a data source to a client, on the Internet, comprising:

transmitting the information from the data source to a server, wherein said information is in a format viewable by the client; converting the information, at the server, to an encoded form; converting the information at the server to an encoded form (see figs. 1-2; col. 11-12, Tsu discloses that a information data unit is sent to a sever from an information provider, where the data unit is encrypted according to copyright content and transmitted to user terminal 10 for decryption);

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transmitting the encoded form of the information to the client; and decoding and displaying at the client , of the encoded information, wherein said encoding and decoding makes said information less available to copying by said client (see col. 14-17).

As to claim 2, Tsu teaches the method of claim 1 above, wherein said format of said information is a format used on the Internet (see col. 12).

As to claim 10, Tsu teaches the method of claim 1 above wherein said converting comprises encrypting (see col. 14-17).

As to claim 11, Tsu teaches the method of claim 1 above, wherein said converting the information comprises converting only a portion of the information (see col. 12-14).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6, 8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsummura, U.S. Patent No. 5,842,023 (referred to hereafter as Tsu).

Tsu teaches the invention substantially as claimed including a method and system for broadcasting copyright material on the Internet (see abstract).

As to claim 3, Tsu teaches the method of claim 1 above.

Tsu fails to teach wherein the information is in HTML format. Tsu does disclose that the information is provided through the Internet (see col. 11-12).

However, "Official Notice" is taken that the concept and advantages of providing HTML content on the Internet is old and known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsu by including HTML content. One would be motivated to do so since HTML is a popular standard of encoding information distributed on the Internet.

As to claim 3, Tsu teaches the method of claim 1 above.

Tsu fails to teach the limitation of temporal modulation. Tsu does disclose that bit rate is controlled to provide certain resolution for content (see col. 12-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsu by specifying the bit rate control as temporal modulation since the same functionality is achieved.

As to claims 5-6, and 8, Tsu teaches the method of the claims above.

Tsu fails to teach the limitation wherein decoding comprises decoding by a server provided program. Tsu does disclose that the decoding is controlled by the information utilizing unit 9 provided by the information provider (see fig. 1; col. 11-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsu by specifying a server program in place of the information utilizing unit since the same functionality is achieved.

4. Claims 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.



Saleh Najjar
Primary Examiner / Art Unit 2157